

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

LAURIE FOISTNER AND	)	
WILLIAM AIVALIKLES	)	
	)	
Plaintiffs	)	
	)	
v.	)	Civil Action No.
	)	_____
JAMES MCNULTY	)	
	)	
Defendant	)	
	)	
	)	

**DEFENDANT JAMES MCNULTY'S NOTICE OF REMOVAL**

The Defendant, James McNulty (“McNulty” or “Defendant”), hereby removes the within action from the Hillsborough County Superior Court (Northern District) to the United States District Court for the District of New Hampshire, pursuant to 28 U.S.C. §1332, 1441(a) and 1446. As grounds for removal of this action, Green Mountain states as follows:

1. The Plaintiffs, Laurie Foistner and William Aivalikles, commenced a civil action in the Hillsborough County Superior Court (Northern District) on or about February 23, 2011, captioned Laurie Foistner and William Aivalikles v. James McNulty, Court Civil Action No. 216-2011-cv-129.

2. Service of the Writ of Summons was effectuated on the Defendant within the past thirty days. In accordance with 28 U.S.C. § 1446(a), a true copy of the Writ of Summons is attached hereto as Exhibit A.

3. There is complete diversity between the parties pursuant to 28 U.S.C.A. §1332. Defendant is an individual residing in the State of Florida. The amount in controversy exceeds \$75,000.00.

4. Defendant has given prompt contemporaneous written notice of the filing of this Notice to Plaintiffs, and a copy is being filed with the Superior Court today as required by 28 U.S.C. § 1446(d).

WHEREFORE, James McNulty prays that this action be removed from the Hillsborough County Superior Court (Northern District) to the United States District Court for the District of New Hampshire.

Respectfully submitted,

JAMES MCNULTY

By his attorneys,  
SHEEHAN, PHINNEY, BASS + GREEN, P.A.

Dated: March 25, 2011

By: /s/ Peter S. Cowan  
Peter S. Cowan, N.H. Bar. No.182  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of March, 2011, I served a copy of the foregoing by mailing a copy, first-class postage prepaid, to William Aivalikles, Esq., both in his capacity as counsel for Laurie Foistner and *pro se*.

/s/ Peter S. Cowan  
Peter S. Cowan